

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA

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MEMORANDUM

UNITED STATES OF AMERICA

-VS-

Case No. 07-1036-01

CARLOS E. RAMOS

DATE:

February 2, 2007

Your Case No.:

03:98CR00220-05 (JAF)

TO:

United States District Court District of Puerto Rico 150 Carlos Chardon Ave.

San Juan, PR 00918-1767

FROM:

Samantha Colón, Courtroom Deputy for

Karla R. Spaulding, United States Magistrate Judge

(407) 835-4320

George C. Young U.S. Courthouse and Federal Building

80 North Hughey Avenue Orlando, Florida 32801

SUBJECT:

Rule 5(c) Proceedings

The above-styled case originated in your division. Enclosed please find original documents regarding proceedings held in the Middle District of Florida in Orlando, Florida wherein the following action was taken:

INITIAL APPEARANCE:

FEBRUARY 1, 2007

RELEASE/DETENTION:

The Defendant was ordered detained and removed to the charging

district.

SCHEDULED HEARING:

Upon notice by the charging district.

CHARGING DOCUMENT:

Petition for Violation of Probation

Enclosures

CLOSED

U.S. District Court Middle District of Florida (Orlando) CRIMINAL DOCKET FOR CASE #: 6:07-mj-01036-KRS All Defendants Internal Use Only

Case title: USA v. Ramos

Date Filed: 02/01/2007

Date Terminated: 02/02/2007

Assigned to: Magistrate Judge Karla R.

Spaulding

Defendant

Carlos E. Ramos (1)

TERMINATED: 02/02/2007

represented by Peter Warren Kenny

Federal Public Defender's Office

Regions Bank Building

201 South Orange Ave., Suite 300

Orlando, FL 32801 407/648-6338 Fax: 407/648-6095

Email: pete kenny@fd.org

LEAD ATTORNEY

ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

Disposition

None

Highest Offense Level (Terminated)

None

Complaints

18:3147.F Violation of Supervised Release: Rule 5(c) District of Puerto

Rico

Disposition orrect copy of the original.

Disposition orrect copy of the original.

United States District Court

Middle District of Florida

Deputy Clerk

Interpreter

Etienne Van Hissenhoven

represented by Etienne Van Hissenhoven

Van Hissenhoven, Inc. 7206 Betty St. Winter Park, FL 32792 407/831-8942 PRO SE

Plaintiff

USA

represented by Sandra Woodall Deisler

U.S. Attorney's Office 501 W. Church St., Suite 300 Orlando, FL 32805 407/648-7500 Email: sandra.w.deisler@usdoj.gov LEAD ATTORNEY ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|-------------------|---|
| 02/01/2007 | 9 1 | Arrest - Rule 5(c)(2) of Carlos E. Ramos from District of Puerto Rico on charges of Violation of Supervised Release (SLC,) (Entered: 02/02/2007) |
| 02/01/2007 | ₽ 2 | Minute Entry for proceedings held before Judge Karla R. Spaulding: Detention Hearing as to Carlos E. Ramos held on 2/1/2007, Initial Appearance in Rule 5(c)(3) Proceedings held on 2/1/2007 (Rule 5 (c) documents scanned with minutes) (Tape # 2007 5:1-694) (Interpreter/Language: Etienne VanHissenhoven/Spanish) (SLC,) (Entered: 02/02/2007) |
| 02/01/2007 | 9 3 | ***CJA 23 financial affidavit by Carlos E. Ramos (SLC,) (Entered: 02/02/2007) |
| 02/01/2007 | 9 4 | ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Carlos E. Ramos. Peter Warren Kenny for Carlos E. Ramos appointed for proceedings in this case in this district. Signed by Judge Karla R. Spaulding on 2/1/2007. (SLC,) (Entered: 02/02/2007) |
| 02/01/2007 | ∂ <u>5</u> | WAIVER of Rule 5(c)(2) hearings by Carlos E. Ramos (SLC,) (Entered: 02/02/2007) |
| 02/01/2007 | ∂ 6 | ORDER appointing Etienne VanHissenhoven as Spanish interpreter in this action as to Carlos E. Ramos. Signed by Judge Karla R. Spaulding on 2/1/2007. (SLC,) (Entered: 02/02/2007) |
| 02/01/2007 | <u> </u> | ORDER OF DETENTION as to Carlos E. Ramos. Signed by Judge Karla |

| | | R. Spaulding on 2/1/2007. (SLC,) (Entered: 02/02/2007) |
|------------|-------------|---|
| 02/02/2007 | № 8 | ORDER of removal pursuant to rule 5(c)(2) to District of Puerto Rico as to Carlos E. Ramos. Signed by Judge Karla R. Spaulding on 2/2/2007. (SLC,) (Entered: 02/02/2007) |
| 02/02/2007 | 3 9 | COMMITMENT to another district as to Carlos E. Ramos. Defendant committed to Puerto Rico. Copy of Removal and Commitment order to USMS. Signed by Judge Karla R. Spaulding on 2/2/2007. (SLC,) (Entered: 02/02/2007) |
| 02/02/2007 | ₃ 10 | TRANSFER Rule(5)(c)(3) to District of Puerto Rico as to Carlos E. Ramos. Rule 5(c) letter, original documents and certified copy of docket sheet sent to charging district. (SLC,) (Entered: 02/02/2007) |
| 02/02/2007 | • | (Court only) ***Set closed flag as to Carlos E. Ramos (SLC,) (Entered: 02/02/2007) |

Document 211

Filed 02/06/2007

Page 5 of 17

Na AO 94 (Rev. 8/97) Commitment to Another District

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| UNITED | STATES OF V. | F AMERICA | | | COMMI | | TT TO ANO | OTHER |
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| Representation: | | | | | er Organization | | A Attorney | L Mone |
| Interpreter Requ | ired? ∟ | No x Y | | DISTRI | anguage: Spanish | <u> </u> | | |
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| DATE | UNITED STAT | 'ES MARSHAL | | | (BY) DEPUTY M. | ARSHAL | | |

UNITED STATES OF AMERICA

-VS-

Case No. 07-1036-01

CARLOS E. RAMOS

FINDINGS AND ORDER ON REMOVAL PROCEEDINGS PURSUANT TO RULE 5(c), FED.R.CRIM.P.

Pursuant to Rule 5(c), Federal Rules of Criminal Procedure, and having been informed of the rights specified In Rule 5(d) thereof, and of the provisions of Rule 20, the following has occurred of record.

An Initial Appearance on the Rule 5(c) Violation of Conditions of Supervised Release from District of Puerto Rico was held on February 1, 2007.

Based on the defendant's waiver of identity hearing, I find that CARLOS E. RAMOS is the person named in the warrant for arrest, a copy of which has been produced.

No preliminary hearing has been held because the defendant elects to have the preliminary hearing conducted in the district in which the prosecution is pending.

A Detention Hearing was held on February 1, 2007 and the defendant was ordered detained and removed to the charging district.

It is, therefore,

ORDERED that **CARLOS E. RAMOS** be held to answer in the district court in which the prosecution is pending. Final Commitment given to the U.S. Marshal.

DONE and **ORDERED** in Chambers in Orlando, Florida, this

_day of February, 2007.

UNITED STATES MAGISTRATE JUDGE

Copies furnished to: Charging District United States Attorney United States Marshal Pretrial Services Office Defense Counsel

United States District Court Middle District of Florida Orlando Division

UNITED STATES OF AMERICA

-VS-

Case No. 07-MJ-1036

CARLOS E. RAMOS

DETENTION ORDER

THIS CAUSE is before the Court upon the government's motion to detain the Defendant pursuant to Federal Rules of Criminal Procedure 32.1. The Defendant is charged with violating the terms of his supervised release by committing new violations of the law, failing to report to his probation officer and changing his residence without notifying his probation officer of his whereabouts.

Federal Rule of Criminal Procedure 32.1, which incorporates by reference 18 U.S.C. 3143(a), provides that the Defendant may be released if he establishes by clear and convincing evidence that he will not flee or pose a danger to any other person or to the community if released. A detention hearing was held at which counsel for the parties proffered information for the Court's consideration.

The Defendant resides in Central Florida with family members. The United States proffered that the Defendant left his job and his residence in September 2006, and that he had not reported to the probation officer after that date. In the meantime, he committed a violation of state law for which adjudication was withheld in Miami, and he has another violation of state law pending against him. He has a drug abuse problem.

I find, based on the Defendant's inability to comply with the conditions of his supervised

released, the information that he has been found to have committed a state crime while on supervised

release, and his drug abuse problem, that the Defendant would be unable or unwilling to abide by any

conditions of release I might set.

It is, therefore, **ORDERED** as follows:

(1) Defendant shall be detained pending a final revocation hearing and committed to the

custody of the Attorney General for confinement in a correction facility separate, to the

extent practicable, from persons awaiting or serving sentences or being held in custody

pending appeal;

(2) Defendant shall be afforded reasonable opportunity for private consultation with

counsel;

(3) On order of the United States or on request of an attorney for the Government, the

person in charge of the corrections facility in which Defendant is confined shall deliver

the Defendant to a United States Marshal for the purpose of an appearance in

connection with a court proceeding.

DONE and **ORDERED** in Orlando, Florida on February 1, 2007.

Karla R. Spaulding

KARLA R. SPAULDING UNITED STATES MAGISTRATE JUDGE

Copies furnished to: United States Marshal

Counsel of Record

-2-

UNITED STATES OF AMERICA

-VS-

Case No. 07-1036 -01

CARLOS E. RAMOS

ORDER FOR INTERPRETER'S SERVICES

On finding that the services of an interpreter are necessary for interpreting judicial proceedings herein it is, in accordance with the Court Interpreter's Act,

ORDERED that Etienne Van Hissenhoven is the appointed Spanish interpreter to serve at all further judicial proceedings before the Court in this case, with leave to submit claim for compensation therefor at the conclusion of the case on forms of the Clerk in accordance with the Act and regulations promulgated thereunder.

DONE and ORDERED in Orlando, Florida, on February 1, 2007

/ KARLAR R SPAULDING

UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

United States Attorney
United States Marshal
Pretrial Services Office
Assistant Federal Public Defender
Counsel for Defendant
Court Appointed Interpreter

AO 466 (Rev. 1/03) Waiver of Rule 40 Hearings

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA ORLANDO DIVISION

UNITED STATES OF AMERICA

-vs-

Case No. 07-1036 -01

CARLOS E. RAMOS

WAIVER OF RULE 5(c) HEARINGS
[Formerly Rule 40]
(All Criminal Cases)

I, CARLOS E. RAMOS, understand that charges are pending in the District of Puerto Rico alleging violation of and that I have been arrested in this district and taken before a United States Magistrate Judge, who informed me of the charge(s) and my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) a preliminary hearing (but only if I will be kept in custody, and only to be held in this district if the violation occurred here) to determine whether there is probable cause to believe a violation occurred; and
- (4) a hearing under Rule 32.1(a)(6), Fed. R. Crim. P., in which I have the burden of establishing my eligibility for release from custody.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

| | identity hearing |
|-------|--|
| | preliminary hearing |
| | identity hearing and have been informed I have no right to a preliminary hearing |
| | identity hearing but request a preliminary hearing to be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me. CARLOS E. RAMOS |
| Febru | pary 1, 2007 Defense Counsel |
| | |

UNITED STATES OF AMERICA

-vs-

Case No. 07-1036 -01

CARLOS E. RAMOS

ORDER APPOINTING FEDERAL PUBLIC DEFENDER

Because the above named defendant has testified under oath or has otherwise satisfied this Court that he/she: (1) is unable to employ counsel, and (2) does not wish to waive counsel, and because the interests of justice so require, it is

ORDERED that the Federal Public Defender is appointed to represent the above named defendant for proceedings in this District in this case. The defendant may be required to contribute to the cost of this representation depending on circumstances to be determined at a later date.

DONE and **ORDERED** in Orlando, Florida on February 1, 2007.

KARLAR. SPAULDING

UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

United States Attorney United States Marshal United States Probation Office Asst. Federal Public Defender Pretrial Services Office

United States Magistrate Judge:

Courtroom Deputy:

Karla R. Spaulding Samantha Colon

Date/Time

2/1/07 1:35 p.m. - 1:45 p.m.

Reporter/Tape No.
Pretrial/Probation Officer

2007 5:1-694 Carlos Sheppard

Interpreter:

Etienne VanHissenhoven

UNITED STATES OF AMERICA

-V-

Case No 07-mj-1036

CARLOS E. RAMOS

Clerk's Minutes INITIAL APPEARANCE ON PETITION FOR VIOLATION OF SUPERVISE RELEASE RULE 5(c)- DISTRICT OF PUERTO RICO

Counsel for the Government/Plaintiff:

Sandra Deisler

Counsel for the Defendant:

Peter Kenny

DEFENDANT WAS ARRESTED ON 2/1/07

- 1 Court convened, appearances stated for the record. Procedural setting by the Court.5
- 50 Interpreter sworn.
- 75 Court advised defendant of charges on Petition and rights.
- Defendant requests appointment of counsel. Court appoints Office of the Federal Public Defender to represent defendant for proceedings in this case in this District.
- 200 Defendant waives identity hearing and preliminary hearing without prejudice.
- 427 Government seeks detention.
- 694 Court orders defendant detained to the custody of the United States Marshals and removed to the charging District.

Case 3:98-cr-00220-JAF Document 211 Filed 02/06/2007 Page 13 of 17

FINANCIAL AFFIDAVIT SUPPORT OF REQUEST FOR ATTORNEY EXPERT OR OTHER COURT SERVICES WITHOUT PAYMENT OF FEE REV. 1/90

| IN IN THE C | | <u> </u> | OT APPEALS COURT | or | LOCATION | N NUMBER | |
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| K - | 1 * * | | | 3 Appellant | District Cour | 1004 | |
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| | UNANGE/OFFENS | E (describe if applicable & check box 🛶 |) ☐ Misdemeanor | 6 Habeas Petitioner | 000.10.1455 | Manual Ma | |
| | | | | 7 🗀 2255 Petitioner 8 🗆 Material Witness | | | |
| | | | | 9 🗆 Other (Specify) | | · · · · | |
| 7 | | ANSWERS TO Q | UESTIONS REGAR | IDING ABILITY TO PAY | | | |
| | | Are you now employed? | • | Am Self Employed | | | |
| | | Name and address of empl | oyer: <u>LAB</u> . 500 ⁶⁹ | | 4 | | |
| | EMPLOY- | IF YES, how much do you earn per month? \$ | of last emplo | yment | | | |
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| | | Do you own any real estate, stock furnishings and clothing)? | ks, bonds, notes, automo es 🔲 No | obiles, or other valuable property (ex | cluding ordinary | household | |
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| | 910 | NATURE OF DEFENDANT | sertify the | e above to be correct. | | -1 | |
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IMPRISONMENT, OR BOTH.

02-01-2007

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

Document 211

UNITED STATES OF AMERICA

VS.

CASE, NO. 03:98CR00220-05 (JAF)

CARLOS E. RAMOS

MOTION NOTIFYING VIOLATIONS OF SUPERVISED RELEASE CONDITIONS AND REQUEST FOR THE ISSUANCE OF A WARRANT

TO THE HONORABLE JOSE A FUSTE CHIEF U.S. DISTRICT JUDGE DISTRICT OF PUERTO RICO

COMES NOW, YVETTE VILLEGAS-OTERO, U.S. PROBATION OFFICER of this.

Court, presenting an official report upon the conduct and attitude of offender, Carlos E. Ramos, who on April 23, 2001, was sentenced to serve a seventy-two (72) month imprisonment term followed by a four (4) year supervised release term after he plead guilty to violating Title 21 U.S.C. § 846. As special conditions, he was ordered to submit to urinalyses and treatment if necessary, and to participate in a vocational training or job placement program. A special monetary assessment in the amount of \$100 was also ordered. On April 12, 2006, Mr. Ramos was released from confinement and commenced supervision in the Middle District of Florida.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR **CAUSE AS FOLLOWS:**

Recently, on October 23, 2006, his supervising officer, DeCarlos Sheppard, sent a document informing of the offender's violations:

STANDARD CONDITION - "THE DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE, OR LOCAL CRIME."

02-01-2007

On September 7, 2006, a criminal complaint was filed wherein the offender was charged with Grand Theft in 3rd degree. The information received stated that the offender stole a Ford F150 and an utility trailer containing lawn equipment, which belonged to his employer. The truck and trailer were recuperated later, after offender admitted he took the same and provided address where same was located. However, the equipment was not recovered, causing a total loss of \$13,400. The offense was committed on September 7, 2006.

2. STANDARD CONDITION NO. 2-"THE DEFENDANT SHALL REPORT TO THE PROBATION OFFICER AND SHALL SUBMIT A TRUTHFUL AND COMPLETE WRITTEN REPORT WITHIN THE FIRST FIVE DAYS OF EACH MONTH."

The offender has failed to make himself available for supervision and absconded since September 7, 2006, approximately. The offender also failed to submit his monthly report for the month of September.

3. STANDARD CONDITION NO. 6 - "THE DEFENDANT SHALL NOTIFY THE PROBATION OFFICER AT LEAST TEN DAYS PRIOR TO ANY CHANGE IN RESIDENCE OR EMPLOYMENT."

The offender did not notify that he had moved and had changed of employment.

WHEREFORE, I declare under a penalty of perjury that the foregoing is true and correct. In light of the aforementioned, it is respectfully requested that unless ruled otherwise, a warrant for his arrest be issued to Mr. Carlos E. Ramso so that he may appear before this Honorable Court to show cause why his supervised release should not be revoked. Thereupon, he be dealt with pursuant to law.

In San Juan, Puerto Rico, this day of November 2006.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF U.S. PROBATION OFFICER

s/<u>Yvette Villegas-Otero</u> Yvette Villegas-Otero U.S. Probation Officer Federal Office Building, Office 400 San Juan, PR 00918 787-766-3630 787-766-5945 Yvette Villegas@prp.uscourts.gov

YV0/

CERTIFICATE OF SERVICE

I HEREBY certify that on November , 2006, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: H.S. García, U.S. Attorney. I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participant: Enrique Vélez-Rodríguez, Esq., Box 70351, San Juan, PR 00936.

of November, 2006. In San Juan, Puerto Rico, this

> s/Yvette_Villegas-Otero Yvette Villegas-Otero U.S. Probation Officer Federal Office Building, Office 400 San Juan, PR 00918 787-766-3630 787-766-5945- -Yvette Villegas@prp.uscourts.gov

> > Certified_to be a true & exact copy of the document, or, an authorized electronic docket entry on file Frances Rios de Moran. Clerk U.S. District Court for the District of Puerto Rico Deputy Clerk Date:

NAME AND TITLE OF ARRESTING OFFICER

DATE RECEIVED DATE OF ARREST

SIGNATURE OF ARRESTING OFFICER

02-01-2007 12:13 FROM-PROBATION OFFICE Case 3:98-cr-00220-JAF Document 211 Filed 02/06/2007 Page 17 of 17

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| UNITED | STATES I | DISTRIC | r Court | |
|---|--------------------|--|------------------------|-----------------|
| JUDICIAL | District of | | PUERTO RICO | |
| UNITED STATES OF AMERICA | | | WARRANT FOR ARREST | |
| V. | | | | |
| CARLOS E. RAMOS | | Case Number: | 98-CR-220-05 (JAF) | |
| To: The United States Marshal and any Authorized United States Officer | | | | |
| YOU ARE HEREBY COMMANDED | to arrest | | CARLOS E. RAMOS | |
| TOO ARE MELENIA COMMENCED S | | | Namo | |
| and bring him or her forthwith to the nearest ma | ngistrate judge to | answer a(n) | | |
| ☐ Indictment ☐ Information ☐ Complaint | Order of court | ProbationViolationPetition | 75 · | olation tice |
| charging him or her with (brief description of offen | se) | | | |
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| ONCE ARRESTED, DEFENDANT SHALL B | E BROUGHT BI | EFORE MAG | ISTRATE JUDGE ON DUTY. | |
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| n violation of Title United S | | | <u> </u> | |
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| in violation of Title United S JOSÉ A. FUSTÉ Name of Issuing Officer | | tion(s) S/JOSÉ A ! Signature of Issu | FUSTÉ | 00 |
| ONCE ARRESTED, DEFENDANT SHALL BE in violation of Title United S JOSÉ A. FUSTÉ Name of Issuing Officer CHIEF, UNITED STATES DISTRICT JUDGE Title of Issuing Officer | | S/ JOSÉ A. Signature of Issu NOVEMBER Date and Formula Certification or, | FUSTÉ ing Officer | ment, Ne |